

L-010-001 |
L-010-002 |

Kessler, Ellen

From: Jeff Bluske [bluske.jeff@co.la-crosse.wi.us]
Sent: Friday, July 24, 2009 8:32 AM
To: Strength, Stephanie - Washington, DC
Cc: Mike Weibel; David Lange; Charlie Handy; Tom Faella
Subject: FW: Court decision

Follow Up Flag: Follow up
Flag Status: Flagged

Stephanie Strength-

Sorry I have not responded with concerns or advice on the CapX 2020 project yet, but I have been waiting for the courts decision summarized below in Dane County, Wisconsin. In light of this decision, why should any local unit of government participate at all, other than to know there is going to be some new lines stretched across their municipality? I'm sure local property owners don't have the same clout as the National Park Service, US Fish and Wildlife Service or even the Army Corps to say, you aren't going to cross my property? So why all the meetings? The significant impacts we would have are those found in shoreland districts, wetlands and impacts to present and future developments for setbacks from the high voltage lines and easements.

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From: Jeff Bluske
Sent: Friday, July 24, 2009 8:53 AM
To: Gregg Stangl; Kurt Pederson; Mary Jo Webster; Annette Kirchhoff; Chad Vandenlangenberg; Charlie Handy; Dan Leis; Jackie Eastwood; Jeff Bluske; Jonathan Kaatz; Mike Weibel; Nathan Sampson; Pamela Hollnagel; Ron Roth; Tom Faella
Cc: David Lange
Subject: FW: Court decision

See the courts reply to Dane Countys order for erosion control. I'll have to check to see if this included any zoning needed.

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Your comment has been noted. Potential impacts to wetlands will be addressed in the Draft Environmental Impact Statement.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

L-010-002

Your comment has been noted. Potential impacts to social and economic resources will be addressed in the Draft Environmental Impact Statement.

county homepage: www.co.la-crosse.wi.us/

From: Dustin Grant [mailto:dgrant@co.marquette.wi.us]
Sent: Friday, July 24, 2009 8:34 AM
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Subject: Court decision

APPEALS COURT BLOCKS DANE COUNTY'S ATTEMPT TO HAVE ATC APPLY FOR
PERMITS<<http://www.wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=38091>>.
The District IV Court of Appeals ruled today Dane County cannot force American Transmission
Co. to apply for local permits before proceeding with construction of high-voltage
transmission lines for which the Public Service Commission has given its approval. The
appellate decision affirmed a Dane County circuit court which previously blocked the county's
attempts.

"We conclude that in Wis. Stat. s. 196.491(3)(i) the legislature has expressly withdrawn the
power of municipalities to act, once the PSC has issued a certificate of public convenience
and necessity, on any matter that the PSC has address or could have addressed in that
administrative proceeding," the court said. "We also conclude that the local power that is
withdrawn by the statute includes requiring the application for local permits of the type
that are in dispute in this case."

After the first of three PSC permits were issued, Dane County argued construction could not
begin until ATC obtained a shoreland erosion control permit, wetland zoning permit and a
general erosion control permit under county ordinances. ATC argued it did not need to apply
for the permits because the county permit process would "inhibit" the construction within the
meaning of the statutes. The courts agreed.

Also,
Senate Commerce, Utilities, Energy & Rail, 2 pm, Tue, Aug 4, 300-SE
Executive Session on
SB-185<<http://www.legis.state.wi.us/2009/data/SB185hst.html>>. Wind Energy (Plale) Regulation
of wind energy systems.